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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,198	08/01/2001	Stephen D. Magee	IRI05419	5732

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EXAMINER	
DERWICH, KRISTIN M	

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/920,198	MAGEE ET AL.	
	Examiner	Art Unit	
	Kristin Derwich	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,6-10 and 13-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,6-10 and 13-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 22, 2005 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1-2, 6-10 and 13-20 have been considered but are moot in view of the new ground(s) of rejection.

Applicant contends that Toth fails to teach or suggest any elements that function as a first or second security controller. Examiner respectfully disagrees with applicant on this point. As applicant acknowledges, Toth discloses a gateway packet switch node (GPSN) in col. 6, lines 38-43. The GPSN consists of a cipher mode as disclosed in fig. 2, item 87 and col. 8, lines 48-53, therefore, the GPSN functions as a security controller since it provides encryption capabilities. The cipher mode is a type of "security mechanism" as stated in applicant's specification, pg. 3, lines 27-31.

Further, applicant contends that neither Toth nor Ekbert teach the security controllers selecting a network element to be coupled to each other. Examiner respectfully disagrees with applicant on this point. Toth is directed towards tunneling a connection from one network to

another as disclosed in col. 7, line 61-col. 8, line 11. Tunneling consists of coupling two network elements together as seen in figures 1 and 4, items 26, 28, 38, 46, 48 and 138.

Finally, applicant contends that neither Toth, Vilander or the UMTS reference teaches the security controllers prenegotiating a security protocol with security associations being transmitted to the network elements. Examiner agrees with applicant since in the previous office action Examiner establishes that establishing a security protocol between two networks was well known in the art through Ekbert.

Claim Rejections - 35 USC § 103

Claims 1, 2, 6, 7, 10, 13-16, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toth et al. in view of Ekbert, WIPO lnternational Application Number WO 00/02406.

1. Regarding claim 1, Toth et al. substantially teaches a secure communicaion system comprising:

first and second networks connected to, respectively, a plurality of first and second network elements (see column 6, lines 28-65; figures 1 and 4),

a user requesting secure multimedia services in the second network, the first network being the user's home network (see column 5, lines 28-35; column 7, lines 41-46),

the first security controller selecting one of the first network elements for coupling to the second network, and the second security controller selecting one of the second elements for

dynamically coupling to the first network element (see column 8, lines 1-11; figures 1 and 4, items 26, 28, 38, 46, 48, and 138).

Although Toth et al. disclose the use of user authentication means (see column 8, lines 48-54), they do not disclose the pre-negotiation of an Internet Protocol security by the first and second security controllers for the first and second elements, or security associations between network elements and a plurality of networks, or negotiation of a security association prior to requesting of services or the security controllers establishing security associations and then transmit them to the first and second network elements.

Nevertheless, the use of IP security prior to communication between two networks was well known in the art at the time of the invention. For example, Ekbert discloses, in a similar field of endeavor, security negotiation by the first and second security controllers (see page 7, lines 11-23). Ekbert also discloses the security controllers of the first and second networks establish security associations between network elements and other networks and then transmits them to the network elements (see page 7, lines 11-23; column 8, lines 13-24). Note that the requesting of services or data has not yet taken place.

2. Regarding claims 2 and 15, Toth et al. further disclose coupling the network elements over an IP connection (see column 8, lines 1-11 and 32-40).

3. Regarding claims 6, 7, 17, and 18, Toth further discloses IP Address Servers for both the home and visited networks, which meet the limitations of call state control functions for the

home and visited networks, respectively (see column 7, lines 41-46; column 8, lines 62-67; column 9, lines 14-19 and lines 33-44).

4. Regarding claim 10, Toth et al. substantially teach a method for secure communication in a communication system including a home and visited network having respective pluralities of first and second network elements and a first and second security controller (see column 6, lines 28-65; figures 1 and 4; column 8, lines 41-54) comprising assigning a user to the home network and requesting by the user multimedia services from the visited network (see column 5, lines 28-35; column 7, lines 6-13 and 41-46); selecting by the visited network one of the second network elements (see column 8, lines 1-11); selecting by the home network one of the first network elements in response to user request (see column 8, lines 1-11); and dynamically coupling the first and second network elements (see column 8, lines 1-11). Note that because the first and second network elements are coupled, it is inherent that those elements were selected by respective networks.

Although Toth et al. disclose the use of user authentication means (see column 8, lines 48-54), they do not disclose the pre-negotiation of an Internet Protocol security by the first and second security controllers for the first and second elements, or security associations between network elements and a plurality of networks, or negotiation of a security association prior to requesting of services or the security controllers establishing security associations and then transmit them to the first and second network elements.

Nevertheless, the use of IP security prior to communication between two networks was well known in the art at the time of the invention. For example, Ekbert discloses, in a similar

field of endeavor, security negotiation by the first and second security controllers (see page 7, lines 11-23). Ekbert also discloses the security controllers of the first and second networks establish security associations between network elements and other networks and then transmits them to the network elements (see page 7, lines 11-23; column 8, lines 13-24). Note that the requesting of services or data has not yet taken place.

5. Regarding claims 13 and 14, Toth et al. further disclose network pooling (see column 9, lines 34.44).

6. Regarding claim 16, Ekbert further discloses negotiating a security association between the selected first and second network elements prior to requesting of services (see page 7, lines 11-23; column 8, lines 13-24). Specifically regarding claim 16, note that Toth et al. disclose the coupling of the selected network elements (see column 8, lines 1- 11).

In view of the teachings of Ekbert it would have been an obvious modification to the system of Toth et al. to have provided for the security negotiation of the user to extend to the communication between the first and second network via the security controllers in order to authenticate and verify that the user is indeed an authorized user of the first network, the user's home network.

7. Claims 8, 9, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toth et al. in view of Ekbert as applied to claims 1 and 10 above and further in view of Vilander

et al., U.S. Patent Number 6,553,219 and UMTS Release 1999, 3GPP, 1999. Toth et al. and Ekbert fail to explicitly disclose their system as being 3GPP or UMTS, although they do disclose their system to be GPRS, a system of which 3GPP and UMTS are one type. However, Vilander et al. disclose an authentication system within UMTS, which is a system disclosed by the 3rd Generation Partnership Project (3GPP). Thus it would have been obvious to use a 3rd generation UMTS system when using a GPRS system using IP communication. It would have been obvious to have a 3GPP multimedia communication system when dealing with a UMTS system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristin Derwich whose telephone number is 571-272-7958. The examiner can normally be reached on Monday - Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristin Derwich

Examiner
Art Unit 2132

KMD

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